



Staff Report

BZA17-001-VA Watermark Apartments Parking Variance

Docket BZA17-001-VA – Watermark Apartment Parking Variance- The petitioner is requesting approval to establish a permanent variance for the purpose of reducing the required parking from 2 spaces per unit to 1.5 spaces per unit. The petitioner is seeking to obtain a permanent parking variance to replace the two-year temporary Dimensional Variance granted by the BZA under BZA13-002-DV in 2013. The petitioner is Watermark Residential and the owner is Diversified Property Group, LLC.

Site Location



History

- Dimensional Variance went before the WBZA 10/14/2013. (BZA13-002-DV)
- Motion to approve the variance for a period of two years was passed unanimously with conditions.
- Condition that staff provides parking report to ensure that adequate parking is being provided.

Requested Variance

The applicant is requesting to obtain a permanent parking variance in place of the temporary one granted 10/14/2013 allowing the number of required parking spots to be reduced from 2 spaces per unit to 1.5 spaces per unit. Developer maintains that the parking need for their product is below what the town's ordinance requires. The property has been completed for nearly two years and is occupied at 92% and the current parking ratio is sufficient.

The project consists of 266 units in 23 buildings per the site plan below. The site is designed with 399 parking spaces; 196 spaces are in garages and 205 spaces are outdoor surface parking (highlighted in green).



Staff Comments

- Variance was previously approved in 2013 for a period of two years with condition by unanimous vote.
- Watermark provided a parking report as conditioned ensuring that adequate parking has been provided as posted below:
 - The Zoning Ordinance contemplates that additional green space is preferable to surface parking requirements. Section IV.P.3.b allows for design flexibility in the parking design by allowing the Administrator to permit the developer to decrease the required parking by up to 25% in exchange for greenspace that could be paved parking in the future. Given the amount of greenspace under existing utility easements, there is more than enough space for future surface parking. However, it would not be permitted in the easements, so therefore the developer is asking for a variance to simply reduce the parking requirement by 25%.
 - The amount of parking demand is dependent on the type of use. In the case of residential uses, it is dependent on the type of residents and the size of the units. The proposed development contains one, two, and three-bedroom units. One-bedroom units would generally require less parking than a three-bedroom unit. The developer indicates that similar projects that they have designed have shown parking demand to be similar to the design proposed in Whitestown.
 - Watermark is proposing to add parking on the east side of property at a future date to alleviate guest parking needs where non-garage buildings reside. Staff recommends that this be filed and brought to Planning Commission before changes take place.

Public Safety Comments

- There have been several occasions where there has been NO available parking spots on property. This forces residents to either park in handicap spots or illegally park on the street which is prohibited by property rules.
- This issues moves further into other issues when people park on the street they are often blocking in other residents in parking spots and/or garages or blocking fire hydrants causing a major safety issue.
- This greatly increases the chance of vehicle accidents occurring.

Decision Criteria

Per the Zoning Ordinance, *Section X.C.5.a(3)* the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code IC 36-7-4-918.5, when taking action on all variance requests. Originally determined with BZA13-002-DV:

- The variance will not be injurious to the public health, safety, morals, and general welfare of the community.
 - *The developer has had proven success with similar projects with similar parking design.*
 - *The reduction in impervious surface area will have a positive effect on drainage.*
 - *The amount of proposed greenspace and amenities is more beneficial to the community than the unnecessary additional parking.*
- The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - *There will be no impact on the adjacent properties.*
 - *The additional greenspace will be a benefit to this and surrounding development.*
 - *The project is a corporate-run facility that can ensure that the site is properly maintained and that vehicles are contained properly on-site.*
- The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variance.

- *The Zoning Ordinance already allows for a reduction in the unnecessary parking as determined by the developer.*
- *The excess parking will only increase the level of property maintenance required by the development without benefit to the town or residents.*

Staff Recommendations

The staff recommends that the BZA should take in consideration of public safety issues as well as the safety of residents and their private property. Staff recommends that additional parking opportunities be offered, especially for residents without private garages.